

Appl. No. 10/530,634

Attorney Docket No. 10808-231

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1, 2, 5-9 and 22-24 remain pending.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 4, 6 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,943,575, to Chung ("Chung").

Further, claims 1 and 5 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Publication No. 2001/0025998, to Tsuchiaki ("Tsuchiaki").

Claim 1 now recites wherein the electrically conductive filling layer has a seed layer for improving a deposition in the source and drain depressions, the seed layer comprising silicon or SiGe. Neither Chung nor Tsuchiaki teach a silicon or SiGe seed layer in the source and drain depressions. Accordingly, Chung and Tsuchiaki do not teach each and every element as defined by claim 1. Claims 2, 4-6 and 9 depend from claim 1 and are, therefore, patentable for at least the same reasons as given above in support of claim 1.

Claim Rejections - 35 U.S.C. § 103

Claims 7 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tsuchiaki in view of U.S. Publication No. 2001/0025998 to Tsuchiaki ("Tsuchiaki").

Claims 7 and 8 depend from claim 1 and are, therefore, patentable for at least the same reasons given above in support of claim 1.

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New Claims

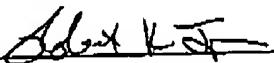
Claims 22-24 have been added. Claim 22 recites that the spacer is located laterally between the gate insulation layer formed at the sidewalls of the gate layer and the depression sidewall insulation layer. Claims 23 and 24 depend from claim 22 and are, therefore, patentable for at least the same reasons as claim 22. Neither Chung nor Tsuchiaki teach this element. Accordingly, Applicants respectfully request allowance of claims 22-24.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted by,

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